

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 1/11/2022

NILDO VILCA,

Plaintiff,

-against-

BTB EVENTS & CELEBRATIONS, INC.
d/b/a BETWEEN THE BREAD, BTB
HOSPITALITY CORP., BETWEEN THE
BREAD 55TH INC., RICKY EISEN and
SEAN MARTIN,

Defendants.

1:19-cv-06577 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On September 10, 2021, the Court was advised that the parties had reached an agreement, consensually resolving the case. [ECF No. 61]. On September 26, 2021, the Court entered an order directing the parties to submit an executed settlement agreement with a *Cheeks* application for approval. [ECF No. 62]. The parties submitted these materials on December 29, 2021. [ECF No. 69].

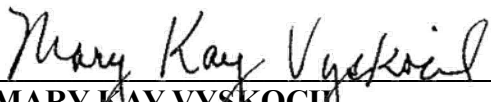
Because Plaintiff's Complaint asserts claims under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*, judicial approval is required before settlement. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015) (holding that FLSA settlements require the approval of either the district court or the United States Department of Labor). "In deciding whether to approve a stipulated settlement, the Court must scrutinize the settlement for fairness." *Boucaud v. City of New York*, No 07-cv-11098 (RJS), 2010 WL 4813784, at *1 (S.D.N.Y. Nov. 16, 2010).

Accordingly, IT IS HEREBY ORDERED that the parties, including Plaintiff personally, shall appear via teleconference for a fairness hearing on February 15, 2022, at 11:30 AM. If

Plaintiff does not speak English, Plaintiff must provide his own interpreter. The hearing can be accessed by dialing the Court's teleconference line at (888) 278-0296. Enter the access code 5195844 when prompted. All other filing deadlines and appearance dates are adjourned *sine die*.

SO ORDERED.

Date: January 11, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge